

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18-00151

MUHAMMED SAMER NASHER-  
ALNEAM, M.D.

**MEMORANDUM OPINION AND ORDER**

Pending before the court is the government's motion to schedule a guilty plea hearing in this matter. (ECF No. 285). However, this case is currently before the United States Court of Appeals for the Fourth Circuit pursuant to the government's interlocutory appeal. Therefore, this court is without jurisdiction to grant the relief requested.

Pursuant to Federal Rule of Criminal Procedure 37(a), "[i]f a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may: (1) defer considering the motion; (2) deny the motion; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue." Accordingly, should the appeals court remand this matter, this court would grant the government's motion and schedule a guilty plea hearing in this matter. See Fed. R. Crim. P. 37(a)(3).

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States

Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

**IT IS SO ORDERED** this 13th day of August, 2019

**ORDER:**

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge